



**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Atsushi HIROTA

Group Art Unit: 2861

Application No.: 10/796,140

Examiner: L. SOLOMON

Filed: March 10, 2004

Docket No.: 118926

For: INK-JET HEAD AND METHOD FOR MANUFACTURING THE SAME

**REQUEST FOR RECONSIDERATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the October 19, 2006 Office Action, reconsideration of the rejection is respectfully requested in light of the following remarks.

Claims 1-15 are pending in this application. Claims 16 and 17 have been withdrawn from consideration.

Applicant gratefully acknowledge the Examiner indication that claims 2-8 and 13-15 would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims. However, Applicant submits that the pending claims are allowable for the following reasons.

The Office Action rejects claim 1 under 35 U.S.C. §103(a) over U.S. Patent No. 6,969,158 to Taira (hereinafter Taira) in view of U.S. Patent Application Publication No. 2003/0156166 to Sakaida (hereinafter Sakaida), rejects claim 9, 10 and 12 under 35 U.S.C. §103(a) over Taira, and rejects claim 11 under 35 U.S.C. §103(a) over Taira in view of Sakaida and further in view of U.S. Patent Application Publication No. 2003/0025768 to Koike et al. (hereinafter Koike). These rejections are respectfully traversed.

In particular, U.S. Patent No. 6,969,158 to Taira is disqualified as prior art under the provisions of 35 U.S.C. §103(c). Taira only qualifies as prior art under the provisions of 35 U.S.C. §102(e). However, according to 35 U.S.C. §103(c), a 102(e) reference may be disqualified as prior art if (1) the application is filed after November 29, 1999 and (2) the reference at the time the claimed invention was made were owned by the same person or subject to an obligation of assignment to the same person (MPEP §2141.01(IV)).

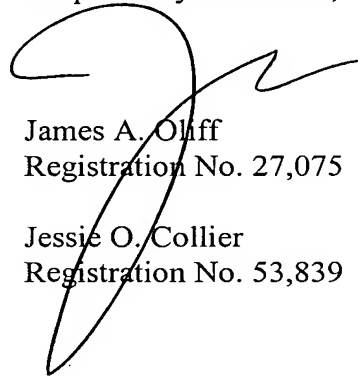
The present application, parent application, and priority document were all filed after November 29, 1999. According to the face of the patent, Brother Kogyo Kabushiki Kaisha owns Taira. The present Application is assigned to Brother Kogyo Kabushiki Kaisha as indicated at Reel 015064, Frame 0845 of the Patent Office Assignment records.

Because, the present application was filed after November 29, 1999, and both Taira and the present application were assigned to Brother Kogyo Kabushiki Kaisha at the time of the invention, Taira is properly disqualified as prior art under 35 U.S.C. §103(c). Accordingly, each of the above §103 rejections is improper.

In view of the foregoing, Applicant submits that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-15 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:LXF/tjx

Date: February 20, 2007

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